

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

Jonathan R., minor, by Next Friend, Sarah DIXON, <i>et al.</i>,)	
)	
)	
)	
Plaintiffs,)	Class Action
)	3:19-cv-00710
v.)	
)	
Jim JUSTICE, in his official capacity as the Governor of West Virginia, <i>et al.</i>,)	
)	
)	
Defendants.)	

STIPULATION

The Parties, through their respective counsel, hereby stipulate to the following:

1. Plaintiffs served their 13th Request for Production of Documents to Defendants on December 28, 2023 (**Plaintiffs’ 13th Request of Production**). Pertinently, **Request Nos. 13.1 and 13.2** sought documents sufficient to show the distribution and number of Cases carried by individual Caseworkers and individual Caseworker supervisors in six-month increments from July 1, 2019 to Present. For purposes of this Request, “Cases” was defined as “the number of individual children’s cases that caseworkers carry, calculated on a ‘per-child’ (see ECF No. 411 at 6) basis for children in legal and physical custody and by families for children in legal but not physical custody (i.e. precustodial children or children in trial home visits).”

2. Defendants provided a written response to the Request on January 29, 2024 and produced documents that Defendants maintain in the ordinary course of business.

3. Plaintiffs sought clarification regarding the content of the documents Defendants maintain in the ordinary course of business, and the parties ultimately held a series of meet-and-confers to discuss the contents of these documents.

4. Based on those discussions, the parties stipulate that Defendants do not maintain any documents in the ordinary course of business that track the number of individual children's cases that caseworkers carry, calculated on a "per-child" basis for children in legal and physical custody and by families for children in legal but not physical custody. While DoHS staff are able to use PATH to review which cases a caseworker is assigned at any specific point in time, and then look at each of those cases to see how many children are involved in each case (which involves looking up and reviewing multiple pages within PATH), calculating the number of individual children within each caseworkers' case load for all of the hundreds of caseworkers would involve reviewing multiple documents in each case file for each of the thousands of children in foster care at any given time and this system-wide calculation is not performed in the ordinary course of business.

5. While Defendants maintain data and documents on caseworker caseloads, *see, e.g.*, D001937440 and D222765, those cases are not calculated on a per child basis. The parties agree that the number of individual children's cases that each caseworker carries, calculated on a "per child" basis for children in the legal and physical custody and for children in legal but not physical custody, cannot be calculated from the documents that Defendants have produced.

6. Based upon the foregoing stipulations, the parties agree that Defendants do not maintain documents in the ordinary course of business sufficient to respond to Request Nos. 13.1 and 13.2.

Dated: July 9, 2024

Respectfully submitted,

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